

Defendants' Schedule 2(i)(ii)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CORPORAL TRINIDAD NAVARRO,	:	
	:	
Plaintiff,	:	C.A. No. 05-565 GMS
	:	
v.	:	
	:	
CHRISTOPHER A. COONS,	:	
individually and in his official capacity;	:	
GUY H. SAPP, individually and in his	:	
official capacity; and NEW CASTLE	:	
COUNTY, a municipal corporation,	:	
	:	
Defendants.	:	

DEFENDANTS' PROPOSED VERDICT FORM¹

1. Do you find that plaintiff has proven by a preponderance of the evidence that a defendant took adverse action against him?

(a) Christopher A. Coons Yes _____ No _____

(b) Guy H. Sapp Yes _____ No _____

If you answered "Yes" to Question 1(a), proceed to question 2(a)

If you answered "Yes" to Question 1(b), proceed to question 2(b)

If you answered "No" to both questions 1(a) and 1(b), sign and date this verdict form below, and have the foreperson give the form to the Deputy Clerk.

2. Do you find that plaintiff has proven by a preponderance of the evidence that his protected speech under the First Amendment was a substantial or motivating factor in a defendant's decision to take adverse action against him?

(a) Christopher A. Coons Yes _____ No _____

(b) Guy H. Sapp Yes _____ No _____

¹ Subject to change pending Court's ruling on Defendants' Motion for Summary Judgment.

If you answered "Yes" to Question 2(a), proceed to question 3(a)

If you answered "Yes" to Question 2(b), proceed to question 3(b)

If you answered "No" to both questions 2(a) and 2(b), sign and date this verdict form below, and have the foreperson give the form to the Deputy Clerk.

3. Do you find that defendants have proven by a preponderance of the evidence that they would have taken the same action even in the absence of plaintiff's exercise of his right to free speech?

(a) Christopher A. Coons Yes _____ No _____

(b) Guy H. Sapp Yes _____ No _____

If you answered "Yes" to Question 3(a), proceed to question 4(a)

If you answered "Yes" to Question 3(b), proceed to question 4(b)

If you answered "No" to both questions 3(a) and 3(b), sign and date this verdict form below, and have the foreperson give the form to the Deputy Clerk.

4. Was the adverse action taken against plaintiff by a defendant the proximate cause of any damage to him?

(a) Christopher A. Coons Yes _____ No _____

(b) Guy H. Sapp Yes _____ No _____

If you answered "Yes" to Question 4(a), proceed to question 5(a)

If you answered "Yes" to Question 4(b), proceed to question 5(b)

If you answered "No" to both questions 4(a) and 4(b), sign and date this verdict form below, and have the foreperson give the form to the Deputy Clerk.

5. What damages, if any, do you find that plaintiff suffered as a result of the adverse action taken against him?

(a) Lost earnings or other benefits _____

(b) Emotional distress or mental suffering damages _____

Proceed to Question 6

6. If you find that Christopher A. Coons acted maliciously or wantonly with regard to plaintiff, what amount of punitive damages, if any, do you believe is appropriate?

Amount of punitive damages: _____

Proceed to Question 7.

7. If you find that Guy H. Sapp acted maliciously or wantonly with regard to plaintiff, what amount of punitive damages, if any, do you believe is appropriate?

Amount of punitive damages: _____

Sign and date this verdict form below, and have the foreperson give the form to the Deputy Clerk.

**THE FOREGOING IS THE VERDICT OF THE JURY
EACH JUROR MUST SIGN BELOW**

FOREPERSON

JUROR

JUROR

JUROR

JUROR

JUROR

JUROR

JUROR

Dated: December ___, 2006